

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

MICHELLE LOU, and others,

Plaintiffs,

v.

MA LABORATORIES, INC., and others,

Defendants.

Case No. 12-cv-05409 WHA (NC)

**ORDER GRANTING PLAINTIFF'S  
REQUEST FOR DISCOVERY**

Re: Dkt. No. 48

The parties in this wage-and-hour putative class action submitted a joint letter brief describing four areas of disagreement regarding Lou's requests for discovery. Judge Alsup has urged timely resolution of any discovery disputes. Dkt. No. 40 at 2. Judge Alsup also has ordered defendants, on three separate occasions, to participate fully in the discovery process, despite their desire to arbitrate Lou's claims and the fact that a class has not yet been certified. *See* Dkt. Nos. 33 at 6:16-24, 35, 40 at 1. Defendants, however, continue to "stonewall" and sought today a fresh review of Judge Alsup's previous discovery orders. After considering the issues raised in the letter brief and holding a hearing, the Court GRANTS Lou's requests.

In particular, the Court finds that the arbitration agreements are directly relevant to the motions regarding arbitration and Lou's motion for class certification. Accordingly, defendants must produce all of the arbitration agreements Lou seeks by March 27, 2013.

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1 The Court's initial impression of defendants' burden argument—that it will have to  
2 look through a few hundred personnel files in order to respond to Lou's requests—is that it  
3 is not compelling. Nevertheless, defendants may submit a declaration further explaining the  
4 burden of responding to Lou's other written requests for discovery. Defendants must file  
5 their declaration by March 20, 2013 at 5:00 p.m. Lou may file a response to defendants'  
6 declaration by March 22, 2013 at 5:00 p.m. The Court will hold a hearing on the matter on  
7 March 27, 2013 at 1:00 p.m. in Courtroom A, 15th Floor, U.S. District Court, 450 Golden  
8 Gate Avenue, San Francisco, California.

9 After considering defendants' claims of undue burden, the Court will set a deadline  
10 for production of the other discovery Lou seeks. In the interim, the parties must meet and  
11 confer regarding the terms of any proposed protective order that might govern the discovery  
12 Lou seeks. The parties must file any proposed protective order, or in the unlikely event that  
13 the parties cannot reach an agreement as to the terms of an order, a letter brief describing  
14 the disagreement, by March 22, 2013 at 5:00 p.m.

15 IT IS SO ORDERED.

16 Date: March 13, 2013

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Nathanael M. Cousins  
United States Magistrate Judge